

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 876 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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LATABEN LAXMANBHAI HARYANI

Versus

LAXMANBHAI MULCHANDBHAI HARYANI

Appearance:

MR PJ KANABAR for Petitioner

MS PJ DAVAWALA for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 30/03/99

ORAL JUDGEMENT

This appeal arises out of the judgment dated 31.1.1997 passed by the learned Extra Assistant Judge, Bharuch in Hindu Marriage Petition No.65 of 1992.

As held by this Court in a number of cases (Kamuben Bhimabhai versus Lakhabhai Vithalbhai, 1984 G.L.H. 369; Ramjibhai Lalbhai Patel v. Smt. Shantaben D/o. Manilal Jashkanbhai Patel, 1984 G.L.H. 986 and Maniben D/o. Mithalal Parmar versus Gopalbhai Punjabhai Dhanka, 1985 G.L.H. 1009), the appeal against the judgment and decree passed by an Assistant Judge in a Hindu Marriage Petition, which is filed on a fixed court-fee will lie to the District Court and not to this Court. The Memo of Appeal is, therefore, required to be returned to the appellant for presentation to proper Court. It is, therefore, directed that the Memo of Appeal along with the certified copies of the judgment and decree be returned to the appellant for presentation to proper Court.

The appellant is granted time till 12th April

1999 to present the appeal before the appropriate Court.
The office is directed to return the necessary papers to
the appellant immediately.

(M.C. Patel,J.)
